IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

OP.No. 8556 of 2001(R)

PETITIONERS:
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1. **VISHNU PRASAD,**
   POST BOX NO. 2130,
   AGMAN, SHARJA, U.A.E.

2. **P.K. ABDUL JABBAR,**
   P.O. BOX NO. 47239,
   ABU DHABI, U.A.E.

3. **P.P. ABDULLA,**
   P.O. BOX NO. 999,
   ABU DHABI, U.A.E.

4. **K.K. THILAKAN,**
   P.O. BOX NO. 2436,
   ABU DHABI, U.A.E.

5. **P.R. SAHAJANANDAN,**
   P.O. BOX. NO. 1933,
   ALAIN, U.A.E.

6. **SEBASTIAN BENJAMIN,**
   P.O. BOX NO. 2838,
   ABU DHABI, U.A.E.

7. **K.K. SALIM,**
   P.O. BOX. NO. 51,
   RUSAYL, POSTAL CODE 124,
   SULTANATE OF OMAN.

8. **A.B. MANOHARAN,**
   P.O. BOX NO. 10316,
   KHORAKKAN,
   FUJAIRAH, U.A.E.

(PETITIONERS 1 TO 4 AND 6 TO 8 REPRESENTED BY
POWER OF ATTORNEY HOLDER P.R. SAHAJANANDAN (5TH PETITIONER)

BY ADV. SRI.C.S.BALAGANGADHARAN,
ADV. SRI.P.RAMAKRISHNAN.

O.P. NO. 8556/2001:

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF BANKING, MINISTRY OF FINANCE, CENTRAL SECRETARIAT, NEW DELHI - 11 0 001.**

2. **BANK OF BARODA, REPRESENTED BY ITS CHAIRMAN AND/OR MANAGING DIRECTOR, CENTRAL OFFICE, 3, WALCHAND HIRACHAND MARG, P.O. BOX NO. 10046, BALLARD PIER, MUMBAI - 400 001.**

3. **THE ASSISTANT GENERAL MANAGER, BANK OF BARODA, REGIONAL OFFICE, P.O. BOX. NO. 5095, FORT, THIRUVANANTHAPURAM - 695 023.**

4. **MR. K.P. VASUDEVAN, SENIOR BRANCH MANAGER, BANK OF BARODA, KALAMASSERI BRANCH, KALAMASSERI, ERNAKULAM DISTRICT.**

5. **MR. K. NARAYANAN NAIR, SENIOR BRANCH MANAGER, BANK OF BARODA, ALUVA BRANCH, ALUVA, ERNAKULAM DISTRICT.**

6. **MR. VINCENT ANTONY, KACHAPPILLY HOUSE, CHAPPEL LANE, ALUVA - 683 101.**

7. **P.R. CHITHARANJAN, P.O. BOX. NO. 47239, ABU DHABI, U.A.E.**

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,
SRI.M.P.RAMACHANDRAN NAIR,
SRI.DEVAN RAMACHANDRAN,
SRI.S.K.BRAHMANANDAN,
SRI.G.SREENIVASA PRABHU,
SRI.S.B.PREMACHANDRA PRABHU.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 13756/2001 IN O.P. NO. 8556/2001

DISMISSED

18/09/2007. **SD/- ANTONY DOMINIC, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PARTNERSHIP AGREEMENT DATED 14/07/1997.

EXT.P.2: COPY OF THE POWER OF ATTORNEY GRANTED ON 26/07/1997 INDIVIDUALLY BY PARTNERS IN FAVOUR OF THE R.6.

EXT.P.3: COPY OF SIGNED, UNDATED BLANK CURRENT ACCOUNT OPENING FORM, SIGNED BY SIX PARTNERS.

EXT.P.4: COPY OF SIGNED UNDATED BLANK CURRENT ACCOUNT CASH CREDIT BANK ACCOUNT FORM SIGNED BY SIX PARTNERS.

EXT.P.5: COPY OF THE UNDATED SIGNED BLANK BANK FORM, LETTER OF RESTRICTIVE OPERATIONS IN ACCOUNTS SIGNED BY SIX PARTNERS.

EXT.P.6: COPY OF THE PERFORMA OF UNDATED SIGNED BANK FORM-LETTER OF MANDATE TO OPERATE ACCOUNT.

EXT.P.7: COPY OF THE LETTER DTD. 05/02/2001 ADDRESSED TO THE 2ND 3RD AND 4TH RESPONDENTS BY THE PETITIONERS.

EXT.P.8: COPY OF THE REPLY DATED 27/02/2001 ADDRESSED TO PETITIONERS LAWYER SENT ON BEHALF OF RESPONDENTS 2, 3 AND 4 BY THEIR COUNSEL.

EXT.P.9: COPY OF THE FIR IN CRIME NO. RC 13 (A/2002/KER DTD. 14/06/2002.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

O.P. NO. 8556 OF 2001

Dated this the 18th day of September, 2007

J U D G M E N T

When this original petition came up for orders today, it is submitted on behalf of the Bank and the 6th respondent that an enquiry, as sought for by the petitioners, have been held and finally the CBI have registered a crime and charge sheeted the accused and the case is now pending trial before the Sessions Court in C.C. 1 of 2004. It is also submitted that in order to realise the defaulted sum of the Bank, the bank has approached the Debt Recovery Tribunal and the proceedings against the petitioners are pending. In view of this at this stage, no further orders for the release of the fixed deposit, as sought for by the petitioners can be granted. Petitioner may move the DRT in this regard.

The original petition is accordingly closed.

ANTONY DOMINIC, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.